

Remarks

The foregoing amendments in the claims are of formal nature and serve to address issues of alleged ambiguity raised in the Office Action. The amendments in the specification serve to correct obvious typographical errors. Having reviewed the specification, Applicants have found that the reference to Figure 42 on page 133, lines 1 and 4 was incorrect, and should have been "Figure 41." As a result, subsequent references to Figures 43 and 44 have also been incorrect. The requested amendments serve to correct these errors. The amendments do not introduce new matter.

The Office Action

Claim Rejections - 35 USC § 112, Second Paragraph

(1) Claims 1 and 2 were rejected under 35 USC § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 1 and 2 were held indefinite in their recitation that the peptide "is derived from a phage-displayed library." The current amendment of claim 1, specifically stating that the peptide "is produced by a phagemid clone present in a phage-displayed library." is believed to overcome this rejection.

In addition, claims 1 and 2 were held indefinite in their recitation of "a phagemid clone corresponding to the peptide." As claim 1 has been amended to recite "a phagemid clone displaying the peptide," this rejection is believed to be moot.

Finally, claims 1 and 2 have been rejected for lack of antecedent basis for the recitation of "serially diluting the phage." The current amendment of claim 1 to recite serial dilution of the "phagemid clone" is believed to overcome this rejection.

In view of the current amendments of claim 1 and the foregoing remarks, the Examiner is respectfully requested to reconsider and withdraw all rejections under this section.

(2) Claims 1 and 2 were rejected under 35 USC § 112, second paragraph "as being incomplete for omitting essential steps."

The Examiner specifically noted that the antecedent basis for "the peptide" in Claim 1, line 8 was unclear. The current amendment of claim 1 makes it clear that the peptide is produced by a phagemid clone present in a phage-displayed library and displayed by the phagemid clone incubated with the polypeptide with which it competes. Accordingly, the present rejection should be withdrawn.

The Examiner further referred to the lack of a process step which would clearly relate back to the preamble. Since claim 1 has been amended to include such step, the reconsideration and withdrawal of the rejection of claims 1 and 2 on this groups is respectfully requested.

Finally, the Examiner noted that the recitation of "phage concentrations" in claim 1, lines 9-12 was unclear. The current amendment of claim 1 to recite phagemid concentrations instead of phage concentrations is believed to address this concern.

In view of the current claim amendments and remarks, the Examiner is respectfully requested to withdraw all rejections under this section.

Claim Rejections, 35 USC §112, First Paragraph

Claims 1 and 2 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the enablement requirement. The rejection is based on the assumption that "phage" in the phrase "phage concentrations" is different from "phagemid" in the phrase "phagemid clone." From this, the Examiner concluded that if this were correct, it would be impossible for a phagemid clone to be inhibited only at low phage concentrations and not at high concentrations, as required by the claim language.

The current amendment of claim 1 to recite "phagemid clone" makes it clear that the premise underlying this rejection is incorrect. Accordingly, Applicants respectfully request that the rejection be withdrawn.


The present application is believed to be in *prima facie* condition for allowance, and an early issuance of a Notice of Allowance is respectfully solicited.

Although no fees are believed to be due at this time, please charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39766-0127P1D15).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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